IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 461 OF 2005

Shri Anant M. Gawade,
son of Mukund Gawade,
aged about 59 years,
resident of Wadiwada,
Betki Goa. ... Petitioner

versus

1. The Registrar,
   Goa University,
   Taleigao Plateau, Goa.

2. The Chancellor,
   Goa University,
   Raj Bhavan,
   Dona Paula, Goa.

3. The Director,
   Directorate of Higher
   Education, Government
   of Goa, Panaji, Goa.

4. State of Goa
   Through the Chief Secretary,
   Secretariat, Panaji, Goa. ... Respondents

Mr. J. Godinho, Advocate for the Petitioner.

Mrs. A. A. Agni, Advocate for the Respondent No.1.

Mr. S. S. Kantak, Advocate General with Ms. K. Chodankar, Additional Government Advocate for the Respondent Nos.3 and 4.

CORAM : A. P. LAVANDE &
N. A. BRITTO, JJ.

DATE : 1ST MAY, 2006.

ORAL ORDER(Per N. A. Britto)

Heard Mr. J. Godinho, the learned Counsel for the petitioner, Mrs. A. A. Agni, the learned Counsel for the respondent no.1 and Mr. S. S. Kantak, the learned Advocate General for the respondent nos.3 and 4.

2. The only issue which survives in the petition is regarding the payment of interest, which the petitioner has claimed at the rate of 18% per annum, on the arrears of pension due and payable to the petitioner. The petitioner retired on 29-2-2004 and ordinarily the petitioner was entitled to get his pension within a period of three months.

3. There is no dispute that there is delay in payment of pension to the petitioner. However, the cause for the delay has been attributed to the Government by the University whilst the University attributes the cause of delay to the Government.

4. On behalf of the petitioner, a Judgment of this Court in Writ Petition No.73 of 2001 in the case of **Shri John B. Braganza** v. **The Hon'ble Chief Justice and others** has been brought to our notice by which interest was awarded at the rate of 12%. Without going to the merits of the blame game raised on behalf of the University and/or the Government, we direct the Government and the University to pay to the petitioner interest on the arrears of pension payable to the petitioner from 1-6-2004 until payment. However, that interest considering the rates of interest as on date, could be 8% only and not 12%.

5. The Respondent-University and the Respondent-Government shall, therefore, pay to the petitioner interest at the rate of 8% from 1-6-2004 on the arrears of pension payable to the petitioner till the date they are paid, jointly and severally.

6. With the above observations the petition is disposed of.

A. P. LAVANDE, J.

N. A. BRITTO, J.

RD